IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.1887 OF 2004

Tukaram Bhikaram Tambat .. Petitioner

versus

Baban Fakira Vise .. Respondent

...

Mr.P.S. Dani for the petitioner.

CORAM : D.G. KARNIK, J

DATED : 3rd September 2004.

P.C:-

1. Heard the learned counsel for the petitioner.

2. The only ground argued in this Writ Petition is reconstruction of a wall by a tenant amounts to permanent construction and therefore, a decree for possession should have been passed. The wall was dilapidated. The planning authority i.e. (Municipal Corporation) issued a notice to the petitioner and the respondent to repairs as the wall was dangerous. The respondent- tenant repaired the wall. As the work of

repairs/re-construction was done as per the directions of the Planning Authority, the landlord is not entitled to a decree for possession under section 13(1)(b).

3. Petition rejected.

D.G. KARNIK, J